



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,503	12/22/2000	Yuergen Boehmke	00259	9778

7590 12/23/2005

Roberto Capriotti, Agent
Kirkpatrick & Lockhart LLP
Henry W. Oliver Bldg.
535 Smithfield Street
Pittsburgh, PA 15222-2312

EXAMINER

BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
----------	--------------

2185

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/746,503	Applicant(s) BOEHMKE, YUERGEN	
	Examiner Reginald G. Bragdon	Art Unit 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 September 2005 has been entered.

Information Disclosure Statement

2. The Information Disclosure Statement(s) received 28 September 2005 has been considered except as noted below. Please see the attached PTO-1449(s).

Citation numbers 1, 17, 39, and 41 have been crossed off the PTO-1449 since these documents have been previously cited during prosecution of the present application.

Citation numbers 44, and 46-49 have been moved to the "Non-Patent Literature Documents" section of the PTO-1449.

Claim Objections

3. Claims 8-15 are objected to because of the following informalities:

As per claim 8, line 7, should "set" be "sent"?

As per claim 15, line 8, should "set" be "sent"?

All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7-12, 14-16, 18-20, 22-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. (H1,921) in view of Tavallaei et al. (5,864,653) and Ozery (5,892,442).

As per claims 1, 8, 15-16, and 23, Fletcher et al. teaches a telecommunications system which includes a NMS client 108/442 (“a computing system including one or more computers having one or more processors...” or “first computing means”). See figures 4 and 6. The client 442 includes software entities 312 (see figure 3A) implementing fault monitoring 642, performance management 640, accounting management 638, and system management 636 (“a first set of programs”) inherently stored in a memory (“first memory”). See also column 21, lines 6-13.

Fletcher et al. also includes a NMS server (“a server, in communication with the computing system, the server having one or more processors...” or “second computing means”) which includes software entities 312 (see figure 3A) or services implementing fault management

Art Unit: 2185

410, performance management 412, accounting management 414, and system management 418 (“a second set of programs”) inherently stored in a memory (“second memory”). The NMS server supports a plurality of clients 108 (“the server being configured to support one or more users and to provided shared access to one or more telecommunication computer software programs”). See figure 2 and column 6, lines 5-9.

Fletcher et al. discusses one or more databases (“resources”) which are accessible by the server to store information related to the services (“the one or more resources can be accessed and processed by the one or more telecommunications computer software programs”). See column 8, lines 5-8. The services are described in column 7, lines 47-57. A database provides for managing (by associating the data in a relational database), communicating (by providing the data for access by slave server), and storing (by physically storing the data on a storage device).

Fletcher et al. teaches real time access by a client to data at column 6, lines 39-42, and column 22, lines 10-16. Furthermore, as taught in column 22, lines 10-16, the server (through the EFR server 618) automatically forwards (“automatically establishes a... connection”) with the client (“user”) upon the occurrence of a fault (“predetermined network condition”). Fletcher et al. further teaches that the operator has the ability to filter the notifications based on their type and security level (“the user is provided options on the computing system to set thresholds for predetermined network conditions”). See column 22, lines 14-16.

Fletcher et al. does not specifically teach specifying a pager number to which a wireless page is sent upon the generation of an alarm (based on the user set filters of Fletcher et al.).

Tavallaei et al. teaches a program which allows a user to set thresholds which permit a server to monitor system parameters and to alert a network manager when an error occurs, the delivery

Art Unit: 2185

method including using a pager. See column 3, lines 9-15. It would have been obvious to one of ordinary skill in the art to have modified Fletcher et al. to allow delivery of alarm/alert messages via a user specified pager number, as suggested by Tavallaei et al., because Tavallaei et al. teaches that this would assist in the beneficial process of allowing remote control of server functions. See column 3, lines 16-21.

Furthermore, the combination of Fletcher et al. and Tavallaei et al. does not teach that the page includes an “investigation number” which the receiver of the page can use to find out further information about the alarm by calling back in (“the server includes an investigation number in the wireless page and assigns a description of the occurrence of the at least one of the predetermined network conditions meeting the threshold to the investigation number so that entry of the investigation number to the computing system causes display of the description”). Ozery teaches sending an alarm page that includes a simple ID consisting of a subscriber’s info and a signal concerning the type of alarm (see column 5, lines 9-14 and 29-32). At an alarm monitoring center, this information is used pull up more specific information about the subscriber (see column 5, lines 39-45). It would have been obvious to one of ordinary skill in the art to have only sent a minimal amount of information concerning the alarm/alert to the pager, as suggested by Ozery, because this would reduce the amount of data to be transferred, thereby reducing the time required to make the data transfer to the pager.

As per claims 3, 9-10, 18, and 24-25, Fletcher et al. teaches that the program located on the server and client are used in managing a telecommunications network. See column 7, lines 47-57.

Art Unit: 2185

As per claims 4, 11, 19, and 26, Fletcher et al. teaches that the telecommunications network is a wireless telecommunications network. See figures 1 and 2 and column 5, lines 17-45.

As per claims 5, 12, 20, and 27, Fletcher et al. teaches that the clients and servers are interconnected using an Ethernet hub (i.e. “network”). See figure 4 and column 16, lines 53-62.

As per claims 7, 14, 22, and 29, the NMS server is shared between the clients. See figure 4.

6. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. in view of Tavallaei et al. and Ozery in further view of V Srinivasan et al. (“Object Persistence in Object-Oriented Applications”).

As per claims 2 and 17, the combination of Fletcher et al., Tavallaei et al., and Ozery does not teach a structured query language (SQL) server (the Examiner is interpreting this as the server stores a SQL database. Fletcher et al. does teach that the software architecture is based on an object oriented software technology. Srinivasan et al. teaches that it was known to utilize SQL standard for retrieving and updating data as a relational database. See page 1, lines 36-41. It would have been obvious to one of ordinary skill in the art to have utilized an SQL database stored on the server (i.e. an SQL server) because Srinivasan et al. teaches that the SQL standard is simple to implement (page 1, lines 41-42) and makes it possible for applications to transparently access relational database data from different vendors (see page 1, lines 52-55).

7. Claims 6, 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. in view of Tavallaei et al. and Ozery in further view of Sarkar (6,012,067).

Art Unit: 2185

As per claims 6, 13, 21, and 28, the combination of Fletcher et al., Tavallaei et al., and Ozery does not teach an application server, performing the same program providing functions as the slave server. Sarkar teaches a multi-tier IT solution including an application server as a middle-tier between a client and a server. It would have been obvious to one of ordinary skill in the art to have added an application server because Sarkar teaches that the application server would provide scalability, adaptability, recoverability, and manageability. See column 1, lines 45-49.

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims.

Conclusion

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at **(571) 273-8300**:

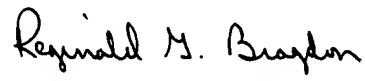
"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at **(571) 273-4204**, only after approval by the Examiner.

Art Unit: 2185

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (571) 272-4204. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (571) 272-4210.

RGB
December 21, 2005


Reginald G. Bragdon
Primary Patent Examiner
Art Unit 2185